

DECISION MEMO
COOPER WILSON ACCESS PROJECT
U.S. FOREST SERVICE
OUACHITA NATIONAL FOREST
MONTGOMERY COUNTY, ARKANSAS

BACKGROUND

Cooper Wilson has requested authorization to use, maintain, and improve a forest system road (W55F) approximately 1,680 feet long crossing National Forest System (NFS) lands in Section 33, Township 1 South, Range 25 West, 5th Principal Meridian, Montgomery County, Arkansas for access to a private inholding that is surrounded by NFS lands. The authorization would consist of improving the roadbed to accommodate traffic associated with resource management and ingress/egress to a single-family residence on private property. Improvement may include clearing dead and down trees, trimming back encroaching vegetation, removal of live trees where necessary, surface blading, roadway re-shaping, establishing ditches and wing ditches for proper drainage runoff, and the addition of gravel or aggregate road base material to the road surface. The road surface would be up to 12 feet wide within a 30-foot right-of-way that extends 15 feet each side of the centerline of the road with such additional width as necessary to accommodate cuts and fills and promote proper drainage. All cost associated with road improvements and maintenance would be at the private property owner's expense. This authorization is necessary due to the fact that forest road W55F is a maintenance level 1 road that is closed to the public and not displayed on the current version of the Motor Vehicle Use Map (MVUM).

DECISION

I have decided to authorize the use and maintenance of approximately 1,680 feet of existing closed forest system road (W55F) in Montgomery County as described herein.

This activity falls into a category of action that may be excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA), which the Chief of the Forest Service has determined will not have a significant effect on the human environment:

Approval, modification, or continuation of minor special uses of NFS lands that require less than five contiguous acres of land. 36 CFR 220.6(e)(3)

I find that there are no extraordinary circumstances that would warrant further analysis and documentation in an EA or EIS. I took into account resource conditions identified in agency procedures that should be considered in determining whether extraordinary circumstances might exist:

- Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive

species – for Federally listed species, this project is likely to adversely affect the northern long-eared bat; however, there are no effects beyond those previously disclosed in the programmatic biological opinion on implementing the final 4(d) rule dated January 5, 2016, signed by Lynn Lewis. Any taking that may occur incidental to this project is not prohibited under the final 4(d) rule (50 CFR §17.40(o)). This project is consistent with the forest plan, the description of the proposed action in the programmatic biological opinion, and activities that do not require special exemption from taking prohibitions applicable to the northern long-eared bat; therefore, the programmatic biological opinion satisfies the Forest Service’s responsibilities under ESA section 7 (a)(2) relative to the northern long-eared bat for this project. For Forest sensitive species, this project may impact individuals, but not likely to cause a trend to federal listing or loss of viability: Tricolored bat and Monarch butterfly (Biological Evaluation, 2021).

- Flood plains, wetlands, or municipal watersheds – there are no floodplains or jurisdictional wetlands within the project area and none will be impacted by project activities. There are no municipal watersheds in the project area.
- Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas – Caney Creek is approximately 16 miles south of the project area and would not be affected.
- Inventoried roadless areas or potential wilderness areas – none are present within the project area; none will be affected.
- Research natural areas – none are present within the project area; none will be affected.
- American Indians and Alaska Native religious or cultural sites – No known Indian religious or cultural sites are within or adjacent to the project area and none will be impacted by the proposed action. Tribes consulted include Caddo Nation of Oklahoma, Chickasaw Nation, Choctaw Nation of Oklahoma, Osage Nation and Quapaw Nation
- Archaeological sites, or historic properties or areas – Project activities will be in compliance with Section 106 of the National Historic Preservation Act. No unevaluated or eligible cultural resources are located within the area of potential effect. The project will result in a finding of No Historic Properties Affected pursuant to 36 CFR § 800.4(d)(1). SHPO concurrence received November 22, 2021.

PUBLIC INVOLVEMENT

A notice of the proposed action for this project was mailed to the District NEPA mailing list on August 16, 2021, soliciting comments on the project. No responses were received.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This decision is consistent with the Ouachita National Forest Revised Land and Resource Management Plan as required by the National Forest Management Act.

ADMINISTRATIVE REVIEW (OBJECTION) OPPORTUNITIES

Decisions that are categorically excluded from documentation in an Environmental Assessment (EA) or Environmental Impact Statement (EIS) are not subject to an administrative review process (pre-decisional objection process) (Agriculture Act of 2014, Subtitle A, Sec. 8006).

IMPLEMENTATION DATE

The project may be implemented immediately.

CONTACT

For additional information concerning this decision, contact: Mary Brown, 1523 Highway 270 East, Mount Ida, AR 71957; by phone at (870) 867-2101.



January 10, 2022

(for)TROY HEITHECKER
Forest Supervisor

Date

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